

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:12-CR-208-D

UNITED STATES OF AMERICA)
)
 v.) **ORDER**
)
 DAVID ELLIS,)
)
 Defendant.)

On May 12, 2017, David Ellis (“Ellis”) filed a motion seeking copies of all written records and transcripts [D.E. 120]. As explained below, Ellis’s motion is denied.

On February 24, 2014, the court sentenced Ellis to 325 months' imprisonment [D.E. 77, 81].

On October 23, 2014, the Fourth Circuit affirmed this court's judgment [D.E. 92, 93]. On July 1, 2015, Ellis moved to vacate his sentence pursuant to 28 U.S.C. § 2255 [D.E. 99]. On September 21, 2015, the government moved to dismiss Ellis's section 2255 motion [D.E. 101]. On May 27, 2016, the court dismissed Ellis's section 2255 motion [D.E. 108]. Ellis appealed. On October 18, 2016, the Fourth Circuit dismissed Ellis's appeal [D.E. 117, 118].

“An indigent is not entitled to a transcript at government expense without a showing of need, merely to comb the record in the hope of discovering some flaw.” United States v. Shoaf, 341 F.2d 832, 833-34 (4th Cir. 1964). Ellis has failed to show a particularized need for the transcripts. To the extent Ellis’s motion could be construed as a motion to obtain pleadings and transcripts without charge, the motion [D.E. 120] is denied.

In sum, Ellis's motion [D.E. 120] is DENIED without prejudice. Ellis may obtain the transcripts of his arraignment [D.E. 89] and his sentencing [D.E. 90] from his appellate counsel.

SO ORDERED. This 20 day of June 2017.

J. C. Dever
JAMES C. DEVER III
Chief United States District Judge